

PUBLIC LAW 94-541 [S. 865]; Oct. 18, 1976

PUBLIC BUILDINGS ACT OF 1959

For Legislative-History of- Act. seep. 5558

An Act to amend the Public Buildings Act of 1959 in order to preserve buildings of historical or architectural significance through their use for Federal public building purposes, and to amend the Act of August 12, 1968, relating to the accessibility of certain buildings to the physically handicapped.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

Sec. 101. This title may be cited as the "Public Buildings Cooperative Use Act of 1976".

Sec. 102. (a) In order to carry out his duties under this title and under any other authority with respect to constructing, operating, maintaining, altering, and otherwise managing or acquiring space necessary for the accommodation of Federal agencies and to accomplish the purposes of this title, the administrator shall ---

1. acquire and utilize space in suitable buildings of historic, architectural, or cultural significance, unless use of such space would not prove feasible and prudent compared with available alternatives;
2. encourage the location of commercial, cultural, educational, and recreational facilities and activities within public buildings;
3. provide and maintain space, facilities, and activities, to the extent practicable, which encourage public access to and stimulate public pedestrian traffic around, into, and through public buildings, permitting cooperative improvements to and uses of the area between the building and the street, so that such activities complement and supplement commercial, cultural, educational, and recreational resources in the neighborhood of public buildings; and
4. encourage the public use of public buildings for cultural, educational, and recreational activities.

(b) In carrying out his duties under subsection (a) of this section, the Administrator shall consult with Governors, areawide agencies established pursuant to title II of the Demonstration Cities and Metropolitan Development Act of 1966 and title IV of the Intergovernmental Cooperation Act of 1968, and chief executive officers of those units of general local government in each area served by an existing or proposed public building, and shall solicit the comments of such other community leaders and members of the general public as he deems appropriate.

Sec. 103. Title Public Buildings Act of 1959 is amended-

1. by striking out at the end of section 7(a) (3) the word "buildings;" and inserting in lieu thereof "buildings, especially such of those buildings as enhance the architectural, historical, social, cultural, and economic environment of the locality;"
2. by striking out "and" at the end of section 7(a) (4), by redesignating section 7(a) (5) as section 7(a) (6), and by inserting the following new section 7(a) (5):
"(5) a statement by the Administrator of the economic and other justifications for not acquiring or purchasing a building or buildings identified to the Administrator pursuant to section 12(c) of this Act as suitable for the public building needs of the Federal Government; and;" and
3. by redesignating section 12(c) and section 12(d) and all references thereto as section 12(d) and section 12(e), respectively, and by inserting after section 12(b) the following new section 12(c):

"(c) Whenever the Administrator undertakes a survey of the public buildings needs of the Federal Government within a geographical area, he shall request that, within Sixty days, the Advisory Council on Historic Preservation, established by title II of the Act of October 15, 1966 (16 U.S.C. 470i), identify any existing buildings within such geographical area that

(1) are of historic, architectural or cultural significance (as defined in section 105 of the Public Building Cooperative Use Act of 1976) and (2) would be suitable whether or not in need of repair, alteration, or addition, for acquisition or purchase to meet the public buildings needs of the Federal Government."

Sec. 104. (a) Section 210(a) of the Federal Property and Administrative Services Act of 1949 is amended by striking out "and" at the end of paragraph (14), by striking out the period at the end of paragraph (15) and inserting in lieu thereof a semicolon, and by adding after such paragraph the following new paragraphs:

"(16) to enter into leases of space on major pedestrian access levels and courtyards and rooftops of any public building with persons, firms, or organizations engaged in commercial, cultural, educational, or recreational activities (as defined in section 105 of the Public Buildings Cooperative Use Act of 1976). The Administrator shall establish a rental rate for such leased space equivalent to the prevailing commercial rate for comparable space devoted to a similar purpose in the vicinity of the public building. Such leases may be negotiated without competitive bids, but shall contain such terms and conditions and be negotiated pursuant to such procedures as the Administrator deems necessary to promote competition and to protect the public interest;

"(17) to make available, on occasion, or to lease at such rates and on such other terms and conditions as the Administrator deems to be in the public interest, auditoriums, meeting rooms, courtyards, rooftops, and lobbies of public buildings to persons, firms, or organizations engaged in cultural, educational, or recreational activities (as defined in section 105 of the Public Buildings Cooperative Use Act of 1976) that will not disrupt the operation of the building;

"(18) to deposit into the fund established by subsection (f) of this section all sums received under leases or rentals executed pursuant to paragraphs (16) and (17) of this subsection, and each sum shall be credited to the appropriation made for such fund applicable to the operation of such building; and

"(19) to furnish utilities, maintenance, repair, and other services to persons, firms, or organizations leasing space pursuant to paragraphs (16) and (17) of this subsection. Such services may be provided during and outside of regular working hours of Federal agencies."

(b) The Federal Property and Administrative Services Act of 1949 is amended by adding at the end of section 210(e), the following: "The Administrator shall, where practicable, give priority in the assignment of space on any major pedestrian access level not leased under the terms of subsection (a) (16) or (a) (17) of this section in such buildings to Federal activities requiring regular contact with members of the public. To the extent, such space is unavailable, the Administrator shall provide space with maximum ease of access to building entrances."

Sec. 105. As used in this title and in the amendments made by this title----
The term Administrator means the Administrator of General Services.

1. The terms "public building" and "Federal agency" have the same meaning as given to them in the Public Buildings Act of 1959.
2. The term "unit of general local government" means any city, country, town, parish, village, or other general purpose political subdivision of a State.
3. The term historical, architectural or cultural significance" includes, but is not limited to, buildings listed or eligible to be listed on the National Register established under section 101 of the Act of October 15, 1966 (16 U.S.C. 470a).
4. The term "commercial activities" includes, but is not limited to, the operations of restaurants, food stores, craft stores, dry goods stores, financial institutions, and display facilities.
5. The term "cultural activities" includes, but is not limited to, film, dramatic, dance, and musical presentations, and fine art exhibits, whether or not such activities are intended to make a profit.
6. The term "educational activities" includes, but is not limited to, the operations of libraries, schools, day care centers, laboratories, and lecture and demonstration facilities.
7. The term "recreational activities" includes, but is not limited to, the operations of gymnasiums and related facilities.

TITLE II

Sec. 201. The Act entitled "An Act to insure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped", approved August 12, 1968 (42 U.S.C. 4151-4156), is amended as follows:

1. The first section is amended by inserting after "structure" the following : "not leased by the Government for

subsidized housing programs” and by striking out in paragraph (2) the following: "after construction or alteration in accordance with plans and specifications of the United States".

2. Section 2 is amended
 - a. by striking out "is authorized to prescribe such" and inserting in lieu thereof "shall prescribe";
 - b. by striking out "as may be necessary to insure" and inserting in lieu thereof "to insure whenever possible" and
 - c. by inserting immediately after "Department of Defense" the following: "and of the United States Postal Service".
3. Section 3 is amended-
 - a. by striking out "is authorized to prescribe such" and inserting in lieu thereof "shall prescribe"; and
 - b. by striking out "as may be necessary to insure" and inserting in lieu thereof "to insure whenever possible".
4. Section 4 is amended-
 - a. by striking out "is authorized to prescribe such” and inserting in lieu thereof "shall prescribe"; and
 - b. by striking out "as may be necessary to insure" and inserting in lieu thereof "to insure whenever possible".
5. Immediately after section 4 insert the following new section: "SEC. 4a. The United States Postal Service, in consultation with the Secretary of Health, Education, and Welfare, shall prescribe such standards for the design, construction, and alteration of its building to insure whenever possible that physically handicapped persons will have ready access to, and use of, such buildings."
6. Section 6 is amended-
 - a. by inserting immediately after "section 4 of this Act," the following: "and the United States Postal Service with respect to standards issued under section 4a of this Act";
 - b. by striking out "is authorized"
 - c. by inserting immediately after "(1)" the following: "is authorized" ;and
 - d. by striking out all that follows "(2)" and inserting in lieu thereof "shall establish a system of continuing surveys and investigations to insure compliance with such standards."
7. By adding at the end thereof the following new section:

"Sec. 7.

 - a. The Administrator of General Services shall report to Congress during the first week of January of each year on his activities and those of other departments, agencies, and instrumentalities of the Federal Government under this Act during the preceding fiscal year including, but not limited to, standards issued, revised, amended, or repealed under this Act and all case-by-case modifications, and waivers of such standards during such year.
 - b. The Architectural and Transportation Barriers Compliance Board established by section 502 of the Rehabilitation Act of 1973 (Public Law 93-112) shall report to the Public Works and Transportation Committee of the House of Representatives and the Public Works Committee of the Senate during the first week of January of each year on its activities and actions to insure compliance with the standards prescribed under this Act."

Sec. 202. The amendment made by paragraph (1) of section 201 of this Act shall not apply to any lease entered into before January 1, 1977. It shall apply to every lease entered into on or after January 1, 1977, including any renewal of a lease entered into before such date which renewal is on or after such date.

Sec. 203. Section 410(b) of title 39, United States Code, is amended by adding at the end thereof the following:

8. The provisions of the Act of August 12, 1968 (42 U.S.C. 4151-4156)."
Approved October 18, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORT: No. 941584, pt. 1 (Comm. on Public Works and Transportation) and No. 941584, Pt. 2 accompanying H.R. 15134 (Comm. on Government Operations).

SENATE REPORT No. 94349 (Comm. on Public Works). CONGRESSIONAL RECORD: Vol. 121(1975): Aug. 1, considered and passed Senate.

Vol. 122 (1976): Sept. 29. considered and passed House. amended, in lieu of H.R. 15134.
Oct. 1, Senate concurred in House amendment.

90 STAT. 2508